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EBIOSCIENCE, INC.*

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

LIFE TECHNOLOGIES CORPORATION,
MOLECULAR PROBES, INC. and THE
REGENTS OF THE UNIVERSITY OF
CALIFORNIA,

Plaintiffs-Counterclaim Defendants,

v.

EBIOSCIENCE, INC.,

Defendant-Counterclaim Plaintiff.

Civil Action No. 10-CV-2127-IEG (NLS)

**DEFENDANT EBIOSCIENCE, INC.'S
NOTICE OF MOTION AND MOTION
TO STAY ACTION PENDING
REEXAMINATION OF THE
PATENTS-IN-SUIT**

Hearing Date: June 20, 2011

Time: 10:30 am

Location: Courtroom 1, 4th Floor

Judge: Honorable Irma E. Gonzalez

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3 PLEASE TAKE NOTICE that, on June 20, 2011, at 10:30 a.m., in Courtroom 1, or at
4 such other time as it may be heard, Defendant eBioscience, Inc. ("eBioscience") will and hereby
5 does move this Court to stay this action pending the U.S. Patent and Trademark Office's
6 ("PTO") acting on the requests for *ex parte* reexamination of the patents-in-suit, U.S. Patent No.
7 6,423,551, U.S. Patent No. 6,699,723, and U.S. Patent No. 6,927,069 and, if the requests are
8 granted by the PTO, that the litigation be stayed pending the outcome of the *ex parte*
9 reexaminations.

10 eBioscience's motion is based upon the accompanying memorandum of points and
11 authorities, the accompanying declaration and exhibits, such other and further matters as may be
12 brought before the Court upon the hearing of this matter, and any other matters of which the
13 Court may take judicial notice.

14
15 Dated: May 18, 2011

Respectfully submitted,

16 /s/ Jennifer C. Tempesta

17 Attorney for Defendant eBioscience, Inc.

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CERTIFICATE OF SERVICE

I hereby certify that, on May 18, 2011, the foregoing document entitled **DEFENDANT EBIOSCIENCE, INC.'S NOTICE OF MOTION AND MOTION TO STAY ACTION PENDING REEXAMINATION OF THE PATENTS-IN-SUIT** was filed via the Case Management/Electronic Case Filing (CM/ECF) system, and was served on all parties via the automated generation and e-mailing of a Notice of Electronic Filing (NEF) by the CM/ECF system to each of the following persons:

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